

REMARKS/ARGUMENTS

1.) Claim Status

Claims 1, 2, 4-25, and 27-50 are pending in the application. The Applicant has amended claim 47. Accordingly, Favorable reconsideration of the application is respectfully requested in view of the foregoing amendment and the following remarks.

2.) Claim Rejections – 35 U.S.C. § 101

On Page 8 of the Office Action, the Examiner rejected claims 27, 29-30, 32-36, and 42-46 under 35 U.S.C. § 101 on the asserted basis that those claims are directed to non-statutory subject matter. This is in contrast to the Examiner's statement on page 2 that the rejections of claims 24-46 under 35 U.S.C. § 101 are withdrawn. Immediately following that statement, however, the Examiner says the § 101 rejections of claims 27, 29-30, 32-36, and 42-50 are maintained. In this response, the Applicant has assumed the rejections are maintained for claims 27, 29-30, 32-36, and 42-50.

Claims 27, 29-30, 32-36, and 42-46 depend from independent claim 24, which recites statutory subject matter. Dependent claims further define, and are by definition narrower than, the base claim from which they depend. Thus, dependent claims 27, 29-30, 32-36, and 42-46 cannot expand the scope of the claimed subject matter in such a way that the claimed subject matter somehow becomes non-statutory. It appears from the Examiner's arguments that he is attempting to examine the dependent claims independently from their base claim. This, of course, is improper; the dependent claims cannot be examined as standalone claims.

The recitation in a dependent claim of a functional means, which may be implemented in software, does not make the dependent claim non-statutory if it is being performed by a statutory machine recited in the base claim. Since base claim 24 recites a statutory system, the withdrawal of the § 101 rejection of dependent claims 27, 29-30, 32-36, and 42-46 is respectfully requested.

Independent claim 47 has been amended to positively recite that the server includes a processor for controlling the operations of the server. This is well known,

and does not constitute new matter since all servers include such a processor. With the recitation of a processor, the claim cannot be construed as being purely software. Therefore, the withdrawal of the § 101 rejection of claim 47 is respectfully requested.

Claims 48-50 depend from amended claim 47, which recites statutory subject matter. As noted above, the recitation in a dependent claim of a functional means, which may be implemented in software, does not make the dependent claim non-statutory if it is being performed by a statutory machine recited in the base claim. Therefore, the withdrawal of the § 101 rejection of claims 48-50 is respectfully requested.

3.) Claim Rejections – 35 U.S.C. § 112

On Page 10 of the Office Action, the Examiner rejected claims 27, 29-30, 32-36, and 42-50 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

The Examiner's arguments for this rejection merely repeat the arguments made for the § 101 rejection discussed above. The Applicant respectfully disagrees that the analysis is the same for § 112, second paragraph, as it is for § 101. The test is whether the subject matter is distinctly claimed. Once again, the recitation in a dependent claim of a functional means, which may be implemented in software, does not make the dependent claim non-statutory or indistinct if it is being performed by a statutory machine recited in the base claim. Therefore, the withdrawal of the § 112 rejection of dependent claims 27, 29-30, 32-36, and 42-50 is respectfully requested.

4.) Examiner Objections – Claims

On Page 6 of the Office Action, the Examiner objected to the amendment filed 10/15/2008 under 35 U.S.C. § 132(a) for introducing new subject matter into claims 1 and 24. In particular, the Examiner contends that the newly recited limitations "intervening AAA network nodes" and "the MIPv6-related authentication and authorization information unchanged between the mobile node and the home AAA server" adds new matter. The Applicant respectfully disagrees.

Prior to the amendment filed 10/15/2008, claim 1 recited the step:

transferring between a mobile node in a visited network and a home network of the mobile node, MIPv6-related authentication and authorization information in an authentication protocol in an end-to-end procedure transparent to the visited network over an Authentication, Authorization and Accounting (AAA) infrastructure;

The original wording included the recitation that the information was sent from a mobile node in a visited network to a home network of the mobile node over an AAA infrastructure. As shown in FIGS. 1 and 7, this means the information is sent from MN 10 through AAA Client 22 and AAAv Server 24 to the home network 30.

The Examiner contends that the phrase “intervening AAA network nodes” adds new subject matter. However, *The American Heritage Dictionary*, Second College Edition, 1985 (a date predating the instant application) defines “intervene” as, “To come, appear, or lie between two things.” Therefore “intervening AAA network nodes” are AAA network nodes that lie between the mobile node and the home network. These are clearly shown in FIGS. 1 and 7, and were previously recited in claim 1 as the AAA infrastructure over which the authentication and authorization information was transferred.

The Examiner contends that the phrase “the MIPv6-related authentication and authorization information unchanged between the mobile node and the home AAA server” adds new matter. This basis for this rejection can only be because the Examiner does not know what it means to transfer information in a procedure that is *transparent* to the visited network, as originally recited in claim 1. The Applicant merely amended claim 1 to make it clearer to the Examiner what was meant by transferring the information *transparent* to the visited network. It is common in telecommunications to refer to a transfer of information as being transparent to intervening nodes if the information is not changed during the transfer. This is because the basic definition of “transparent” is, “Capable of transmitting light so that objects or images can be seen as if there were no intervening material.” (*The American Heritage Dictionary*, Second College Edition, 1985). Thus, the newly recited phrase is clearly not new matter.

Claim 24 recites the same phrases as claim 1, and the same arguments apply.

For all the above reasons, the withdrawal of the § 132(a) objection to claims 1 and 24 is respectfully requested.

5.) Claim Rejections – 35 U.S.C. § 102(a)

On Page 11 of the Office Action, the Examiner rejected claims 1-2, 4-10, 12-17, 19-25, 27-33, 35-40, 35-40, and 42-50 under 35 U.S.C. § 102(a) as being anticipated by Faccin et al., "Diameter Mobile IPv6 Application, draft-le-aaa-diameter-mobileipv6-6-03.txt," Internet Draft, XP015004098, April 2003 (hereinafter "Faccin"). The Applicants respectfully disagree.

Section 7.4 of Faccin clearly shows that AAA information transferred between the mobile node and the home network, and vice versa, is subject to conversion in the visited network. The conversion is done by Faccin's AAA Client. The figure in Faccin in Section 3.1, page 7, makes it clear that the AAA Client is part of the visited network - it is not apart of the MN - and thus it is between the MN and the AAAh. In other words, it is an intervening AAA network node, and it converts AAA information before forwarding the information to the home network.

Section 7.4 of Faccin provides details of the various conversions that are performed by the AAA Client in the visited network. For example, Section 7.4 states:

When the AAA Client receives an authentication request message from a IPv6 Mobile node:

The AAA Client first verifies the freshness of the request thanks to the Local Challenge contained in it (i.e. the MN may use an older Local Challenge) and if successful, performs Duplicate Address Detection and creates a Diameter ARR (AA-Registration-Request) [7] message carrying the following information to the AAAh:

- User Name AVP [7] carrying the user's NAI
- EAP AVP to carry the authentication data for mutual authentication derived from the content of the received authentication data
- if some MIP feature data were received from the MN, a MIPv6-Feature-Vector AVP whose content is derived from the MIP feature data, sent within the ARR message it sends to the AAAv

- MIP-Binding Update AVP if the MN sent a Home Binding Update as Embedded data
- MIPv6-Home-Agent-Address AVP if the MN sent a binding update message: the Home agent address value is extracted from the Destination IP address field of the embedded home binding update. This AVP enables the AAAh to know where to send the MIP-Home- binding-Update AVP if one was present.
- if the MN provides some Key Request data, some Security Key AVPs whose content is derived from the Key Request data.

When receiving an ARA [7] (AA-Registration-Answer) message from AAAv, the AAA Client converts the message to the appropriate protocol to the MN; this message carries:

- the authentication data
- Binding Acknowledgement as Embedded Data if MN sent a home Binding Update or requested for a dynamic home agent assignment.

The Applicant's claimed invention, on the other hand, as recited in independent claims 1, 24, and 47, transfers AAA information in an *end-to-end procedure* between a mobile node operating in a visited network and the mobile node's home AAA server. Intervening AAA network nodes forward the AAA information *unchanged* between the mobile node and the home AAA server. Faccin teaches neither an end-to-end procedure (since the AAA Client intercepts and modifies the AAA messages) nor a procedure in which the intervening AAA network nodes forward the AAA information *unchanged*. Since these recited features are not taught or suggested by Faccin, the withdrawal of the § 102 rejection and the allowance of claims 1, 24, and 47 are respectfully requested.

Claims 2, 4-10, 12-17, 19-23, 25, 27-33, 35-40, 35-40, 42-46, and 48-50 depend from base claims 1, 24, or 47 and recite further limitations in combination with the novel elements of the base claims. Therefore, the allowance of claims 2, 4-10, 12-17, 19-23, 25, 27-33, 35-40, 35-40, 42-46, and 48-50 is respectfully requested.

5.) Claim Rejections – 35 U.S.C. § 103(a)

On Page 20 of the Office Action, the Examiner rejected claims 11, 18, 34, and 41 under 35 U.S.C. § 103(a) as being unpatentable over Faccin, as applied to claims 1 and 24 above, and further in view of Akhtar, et al. (US 7,079,499) (hereinafter "Akhtar"). The Applicant respectfully disagrees.

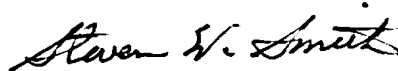
The Examiner relies upon Faccin to show the limitations of an end-to-end procedure between a mobile node operating in a visited network and the mobile node's home AAA server in which intervening AAA network nodes forward the AAA information unchanged between the mobile node and the home AAA server. He then cites Akhtar to show the additional limitations recited in dependent claims 11, 18, 34, and 41. However, as noted above, Faccin does not teach or suggest an *end-to-end procedure* nor a procedure in which the intervening AAA network nodes forward the AAA information *unchanged*. Likewise, Akhtar does not teach or suggest these limitations. Thus, a prima facie case of obviousness has not been established as required by MPEP 2143. Therefore, the withdrawal of the § 103 rejection and the allowance of claims 11, 18, 34, and 41 are respectfully requested.

7.) Conclusion

In view of the foregoing remarks, the Applicant believes all of the claims currently pending in the Application to be in condition for allowance. The Applicant, therefore, respectfully requests that the Examiner withdraw all rejections and issue a Notice of Allowance for claims 1, 2, 4-25, and 27-50.

The Applicant requests a telephonic interview if the Examiner has any questions or requires any additional information that would expedite the prosecution of the Application.

Respectfully submitted,



Steven W. Smith
Registration No. 36,684

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Ericsson Inc.
6300 Legacy Drive, M/S EVR 1-C-11
Plano, Texas 75024

(972) 583-1572
steve.xl.smith@ericsson.com